

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY**

KATHRYN HARRIS )  
511 EAST 105<sup>TH</sup> TERRACE )  
KANSAS CITY, MISSOURI 64131 )  
 )  
PLAINTIFF, )  
 )  
vs. ) CASE NO.:  
 )  
WAL-MART STORES EAST I, L. P., )  
SERVE: REGISTERED AGENT )  
CT CORPORATION SYSTEM )  
120 SOUTH CENRAL AVENUE )  
CLAYTON, MISSOURI 63105 )  
 )  
DEFENDANT. )

**PETITION FOR DAMAGES**

COMES NOW Plaintiff Kathryn Harris and for her cause of action against defendant Wal-Mart Stores East I, L.P. states as follows:

1. Plaintiff is an individual and a resident of the State of Missouri.
2. Defendant Wal-Mart Stores East I, L.P. is a foreign corporation licensed to do business and doing business in the State of Missouri.
3. This cause of action arises from an injury sustained by the plaintiff in Kansas City, Jackson County, Missouri on September 22, 2019 making venue and jurisdiction appropriate in the Circuit Court of Jackson County, Missouri at Kansas City.
4. On or about September 22, 2019 plaintiff was a customer and invitee of defendant's Wal-Mart retail store located at 1701 West 133<sup>rd</sup> Street, Kansas City, Missouri 64145. Plaintiff was entering the store. There were mats placed near the entrance of the store. There was a space between two mats near the entrance where the floor was wet and unreasonably dangerous. Plaintiff

sustained an injury as she entered the store and slipped and fell on the wet floor surface in the space between the mats.

5. Defendant, by and through its agents and employees, owed plaintiff a duty of care to ensure that the store was free of hazardous conditions. The wet floor and the area between the two mats at the entrance of the store created a hazardous condition that caused plaintiff to fall and sustain an injury. Defendant knew or could have known of the existence of the hazardous condition and taken steps to remedy the condition or warn customers such as the plaintiff of the condition. In permitting a space between the mats and a wet floor condition in that space and Defendant breached the duty owed to the plaintiff and other customers. Defendant was therefore negligent. Plaintiff was injured as a result of the defendant's negligence. The conduct of the defendant caused or contributed to cause injury to the plaintiff.

6. Defendant was negligent in the following particulars:

a) permitting a wet floor to exist near the entrance of the store between the two mats;  
b) failing to put up barricades, signs or other warnings to prevent customers from walking in the area of the wet floor between mats;

c) improperly spacing or placement of mats near the entrance of the store;  
d) failing in inspect floors for proper placement of mats and wet floors;  
e) failing to take proper precautions related to exterior weather events including rain.

7. As a direct result of the negligence of the defendant and defendant's agents and employees, plaintiff sustained an injury. Plaintiff sustained an injury to her right elbow, right wrist and left wrist. Plaintiff has received medical treatment. Plaintiff has experienced garden variety pain and suffering associated with the injury. If a physician will testify that there is a permanent component to plaintiff's injuries, she will claim damages for a permanent injury.

8. Plaintiff is entitled to an award of damages against defendant in such a sum that will be fair, reasonable and just not to exceed \$75,000 exclusive of interest and costs.

WHEREFORE, plaintiff prays for judgment against defendant Wal-Mart Stores East, L.P. in such sum is would be fair, reasonable and just in an amount not to exceed \$75,000 exclusive of interest and costs and for such further relief as the Court deems fair, proper and just.

TURNER, SWEENEY & SEATON

/s/ Marty W. Seaton  
\_\_\_\_\_  
Marty W. Seaton - MO - 58815/KS 23059  
[mseaton@turnersweeny.com]  
John E. Turner - MO - 26218  
[turner-sweeny@msn.com]  
Christopher P. Sweeny - MO-44838/KS 16868  
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10401 Holmes Road, Ste. 450  
Kansas City, Missouri 64131  
(816) 942-5100  
[FAX: (816) 942-5104]  
ATTORNEYS FOR PLAINTIFF

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY**

KATHRYN HARRIS

PLAINTIFF(S),  
VS.

CASE NO. 2016-CV09795  
DIVISION 4

WAL-MART STORES EAST I, L.P.

DEFENDANT(S),

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE  
AND ORDER FOR MEDIATION**

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NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **JUSTINE E DEL MURO** on **17-JUL-2020** in **DIVISION 4** at **08:30 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16<sup>th</sup> Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16<sup>th</sup> Judicial Circuit web site at [www.16thcircuit.org](http://www.16thcircuit.org) after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

## **MEDIATION**

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

## **POLICIES/PROCEDURES**

Please refer to the Court's web page [www.16thcircuit.org](http://www.16thcircuit.org) for division policies and procedural information listed by each judge.

/S/ JUSTINE E DEL MURO  
JUSTINE E DEL MURO, Circuit Judge

### Certificate of Service

This is to certify that a copy of the foregoing was mailed postage pre-paid or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

#### Attorney for Plaintiff(s):

MARTY WAYNE SEATON, TURNER & SWEENEY, 10401 HOLMES ROAD, SUITE 450,  
KANSAS CITY, MO 64131

#### Defendant(s):

WAL-MART STORES EAST I, L.P.

Dated: 25-MAR-2020

MARY A. MARQUEZ  
Court Administrator



**IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI**

Judge or Division: JUSTINE E DEL MURO	Case Number: <b>2016-CV09795</b>
Plaintiff/Petitioner: KATHRYN HARRIS	Plaintiff's/Petitioner's Attorney/Address MARTY WAYNE SEATON TURNER & SWEENEY 10401 HOLMES ROAD SUITE 450 KANSAS CITY, MO 64131
vs.	
Defendant/Respondent: WAL-MART STORES EAST I, L.P.	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Pers Injury-Prod Liab	

(Date File Stamp)

**Summons in Civil Case**

**The State of Missouri to:** WAL-MART STORES EAST I, L.P.

Alias:

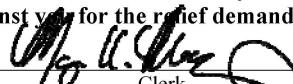
R/A CT CORPORATION SYSTEM  
120 SOUTH CENTRAL AVE  
CLAYTON, MO 63105



JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

25-MAR-2020  
Date



Clerk

Further Information:

**Sheriff's or Server's Return**

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.  
 (for service on a corporation) delivering a copy of the summons and a copy of the petition to

\_\_\_\_\_ (name) \_\_\_\_\_ (title).

other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

**Sheriff's Fees**

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ ____ 10.00
Mileage	\$ _____ ( ____ miles @ \$. ____ per mile)
<b>Total</b>	\$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County



Refusal  
SB  
8/24

## IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JUSTINE E DEL MURO	Case Number: 2016-CV09795
Plaintiff/Petitioner: KATHRYN HARRIS	Plaintiff's/Petitioner's Attorney/Address MARTY WAYNE SEATON TURNER & SWEENEY 10401 HOLMES ROAD SUITE 450 KANSAS CITY, MO 64131
vs.	
Defendant/Respondent: WAL-MART STORES EAST I, L.P.	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Pers Injury-Prod Liab	

(Date File Stamp)

### Summons in Civil Case

**The State of Missouri to:** WAL-MART STORES EAST I, L.P.  
Alias:

R/A CT CORPORATION SYSTEM  
120 SOUTH CENTRAL AVE  
CLAYTON, MO 63105

30  
CTCOR



JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

25-MAR-2020  
Date

*[Signature]*  
Clerk

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 leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years who

permanently resides with the Defendant/Respondent.

(for service on a corporation) delivering a copy of the summons and a copy of the petition to

**LCW - B. LOVE** (name)

**INTAKE SPECIALIST**

(title)

other \_\_\_\_\_

Served at **CT CORPORATION**

in **St. Louis County** (County/City of St. Louis), MO, on

**APR 22 2020**

ST LOUIS COUNTY SHERIFF'S OFFICE

RECEIVED  
2020 APR 22 9 AM  
AM 10:57

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date)

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_

Notary Public

#### Sheriff's Fees

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$_____ per mile)
<b>Total</b>	\$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

JAKSMCC  
5/22/20



Refusal  
SB  
8/24

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Judge or Division: JUSTINE E DEL MURO	Case Number: 2016-CV09795
Plaintiff/Petitioner: KATHRYN HARRIS	Plaintiff's/Petitioner's Attorney/Address MARTY WAYNE SEATON TURNER & SWEENEY 10401 HOLMES ROAD SUITE 450 KANSAS CITY, MO 64131
vs.	
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Nature of Suit: CC Pers Injury-Prod Liab	

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25-MAR-2020  
Date

*M. U. Sherriff*  
Clerk

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permanently resides with the Defendant/Respondent.

(for service on a corporation) delivering a copy of the summons and a copy of the petition to

**LCW - B. LOVE** (name)

**INTAKE SPECIALIST**

(title).

2020 APR 22 (date)  
RECEIVED

Served at

**CT CORPORATION**  
**St. Louis County**

(address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on

**APR 22 2020**

(date) at

**9 AM**

(time)  
AM 10:57

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_

(date)

My commission expires: \_\_\_\_\_

Date

Notary Public

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<b>Total</b>	\$ _____

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*OPP*

*1/20/20*